

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1377-MN-JLH

JURY TRIAL DEMANDED

MASIMO CORPORATION,

Counter-Claimant,

v.

APPLE INC.

Counter-Defendant.

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1378-MN-JLH

JURY TRIAL DEMANDED

MASIMO CORPORATION and
CERCACOR LABORATORIES, INC.,

Counter-Claimants,

v.

APPLE INC.

Counter-Defendant.

**MOTION FOR TELECONFERENCE TO RESOLVE
PROTECTIVE ORDER DISPUTES**

Plaintiff Apple Inc. (“Apple”), Defendants Masimo Corporation (“Masimo”) and Sound United, LLC (“Sound United”), and Counterclaim-Plaintiff Cercacor Laboratories, Inc. (“Cercacor”) respectfully move this Court to schedule a teleconference to address outstanding disputes regarding the parties’ proposed protective order. The parties’ outstanding disputes concern:

- The extent to which materials designated under the protective order may be exported outside of the United States;
- Whether to implement a patent-acquisition bar;
- Whether the parties must implement multifactor authentication to restrict access to any materials designated under the protective order; and
- Whether the parties may show materials designated under the protective order to any of the producing party’s employees during their depositions, regardless of those employees’ prior access to such materials.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer (in person and/or by telephone) on the following date(s):

Delaware Counsel:

- David Moore, counsel for Apple (met and conferred May 11, 2023)
- Bindu Palapura, counsel for Apple (met and conferred May 18, 2023)
- John Phillips, counsel for Masimo, Sound United, and Cercacor (met and conferred May 11, 2023 and May 18, 2023)

Lead Counsel:

- Peter Magic, counsel for Apple (met and conferred May 11, 2023)
- Kerri-Ann Limbeek, counsel for Apple (met and conferred May 11, 2023)
- Jennifer Milici, counsel for Apple (met and conferred May 18, 2023)
- Mark Ford, counsel for Apple (met and conferred May 11, 2023)
- Ben Luehrs, counsel for Apple (met and conferred May 11, 2023 and May 18, 2023)
- Jared Bunker, counsel for Masimo, Sound United, and Cercacor (met and conferred

May 11, 2023 and May 18, 2023)

- Kendall Loebbaka, counsel for Masimo, Sound United, and Cercacor (met and conferred May 11, 2023 and May 18, 2023)

The parties are available for a teleconference on the following dates: May 31, June 1, and June 2.

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By: /s/ David E. Moore

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Attorneys for Plaintiff Apple Inc.

Dated: May 22, 2023

By: /s/ John C. Phillips, Jr.

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